

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JOSE DECASTRO,

Plaintiff,

v.

EVAN MCKNIGHT, et al.,

Defendants.

Case No. 2:24-cv-00435-DJA

FILED	RECEIVED
ENTERED	SERVED ON
COUNSEL/PARTIES OF RECORD	
JUN 18 2025	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: <u>Ammi</u>	DEPUTY

MOTION FOR LEAVE TO FILE SUR-REPLY

TO THE HONORABLE COURT:

Plaintiff Jose DeCastro, appearing pro se, respectfully moves this Court for leave to file a Sur-Reply in response to Defendants' Reply in Support of Motion to Dismiss (Doc. 31). The Sur-Reply was previously submitted at Doc. 32 but was stricken due to lack of a motion under Local Rule 7-2(b).

BACKGROUND

Defendants filed their Motion to Dismiss on March 15, 2025 (Doc. 22). Plaintiff filed a response in opposition on March 30, 2025 (Doc. 27). Defendants filed their Reply on April 10, 2025 (Doc. 31), raising new arguments and legal authorities not previously addressed in their initial motion.

ARGUMENT

Plaintiff respectfully submits that the Sur-Reply is necessary to address new arguments raised by Defendants in their Reply that were not previously briefed, including Defendants' assertion of res judicata based on a prior case that was dismissed without reaching the merits, and new jurisdictional arguments not raised in their initial motion. These new matters could not have been anticipated or addressed in Plaintiff's initial response.

As a pro se litigant, Plaintiff requests that the Court accept the Sur-Reply already filed in good faith at Doc. 32. The proposed Sur-Reply is concise and will not unduly delay proceedings.

This motion is made in good faith and not for purposes of delay.

WHEREFORE, Plaintiff respectfully requests that the Court grant leave to file the Sur-Reply

submitted at Doc. 32 and consider it in deciding Defendants' Motion to Dismiss.

Dated: June 10, 2025

Respectfully submitted,



/s/ Jose DeCastro

Jose DeCastro

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CERTIFICATE OF SERVICE

I hereby certify that on June 10, 2025, I served a true and correct copy of the foregoing Motion for Leave to File Sur-Reply by United States Mail, First Class, postage prepaid, and via the Court's CM/ECF system where applicable, addressed as follows:

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/s/ Jose DeCastro

Jose DeCastro